

(Draft – Awaiting Approval)  
**MINUTES OF THE**  
**LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**  
Wednesday, July 13, 2016 – 8:30 a.m. – Room 450 Capitol Building

**Members Present:**

Sen. Todd Weiler, Senate Chair  
Rep. Don L. Ipson, House Chair  
Sen. Luz Escamilla  
Sen. Daniel W. Thatcher  
Rep. Sandra Hollins  
Rep. Kay L. McIff  
Rep. Curtis Oda  
Rep. Edward H. Redd  
Rep. Marc K. Roberts  
Rep. Angela Romero  
Rep. Earl D. Tanner  
Rep. Raymond P. Ward

Rep. R. Curt Webb

**Members Absent:**

Pres. Wayne L. Niederhauser  
Rep. Brad M. Daw  
Rep. Paul Ray

**Staff Present:**

Mr. Nathan W. Brady, Policy Analyst  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Lori Rammell, Legislative Assistant

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Weiler called the meeting to order at 8:45 a.m. Rep. Daw and Rep. Ray were excused from the meeting.

**MOTION:** Sen. Thatcher moved to approve the minutes of the June 15, 2016, meeting. The motion passed unanimously. Sen. Escamilla, Rep. Ipson, and Rep. Romero were absent for the vote.

Chair Weiler announced that Agenda Item #4, Death Penalty Cost and Process, would be discussed before Agenda Item #3, Off Duty Law Enforcement Officer Employment Amendments.

**2. Felony Assault Amendments**

This item was not discussed.

**3. Death Penalty Cost and Process**

Mr. Brady distributed "Summary of Death Row Executions and Length of Stay," "Tenth Circuit Court of Appeals—Death Penalty Cases Disposition of Time," and "Inmates Currently on Death Row" and briefly reviewed the information contained in those documents.

Ms. Allred directed the committee's attention to the "Summary of Death Row Executions and Length of Stay" and discussed inmates' length of stay on death row in states under the jurisdiction of the Federal 10<sup>th</sup> Circuit Court.

Mr. Andrew Peterson, Capital Case Coordinator, Office of the Attorney General, reported that death penalty court cases have been expedited at the state level since state reforms passed in 2008. However, he reported that long delays continue in the federal court, and these delays affect the current average length of stay of inmates on Utah's death row.

Mr. Thomas Brunker, previous Capitol Case Coordinator and current Deputy Solicitor General and Criminal Appeals Division Director, Office of the Attorney General, presented "Conviction, Sentence, Review Flow Chart" and further discussed the purpose for and results of death penalty reforms implemented in 2008.

Chair Weiler requested that staff research how Utah's rate of new trials granted to death row inmates compares to the rates of other states. He also requested that staff research the number of cases where a person was eligible for the death penalty but was instead sentenced to life imprisonment without parole.

Mr. Rob Dunham, Death Penalty Information Center, said that the death penalty is generally far more expensive than life imprisonment without parole. He explained the factors that contribute to death penalty appeal costs, including jury sequestration and expert witnesses.

#### **4. Off Duty Law Enforcement Officer Employment Amendments**

Rep. Lee Perry distributed draft legislation, "Off Duty Law Enforcement Officer Employment Amendments" (2017FL-0349/003), and a document prepared by Mr. Ken Wallentine, "Risk Management of Off-Duty Employment." Rep. Perry explained that the purpose of the draft legislation is to determine liability when an off-duty officer is injured while wearing his or her uniform and working as a private security officer or performing private investigative work.

Mr. Ken Hansen, Detective, Public Information Officer, and Secondary Employment Coordinator, Unified Police Department, described the Unified Police Department's existing agreement regarding liability for off-duty police officers working security. He said the Unified Police Department questions the need for additional legislation and is concerned about the impact the legislation would have on its officers, the majority of whom work private security while off duty.

Chief Tom Ross, Bountiful Police Department, and President, Utah Chiefs of Police Association, reported on discussions he has been involved in with Rep. Perry regarding this proposed legislation.

#### **5. Adjourn**

**MOTION:** Rep. Hollins moved to adjourn the meeting. The motion passed unanimously with Sen. Escamilla and Rep. Webb absent for the vote.

Chair Weiler adjourned the meeting at 10:30 a.m.